

I. INTRODUCTION

A. Flextime

101 KAR 2:095, Section 1(2) specifies that the normal workday shall be from 8:00 a.m. to 4:30 p.m., local time, Monday through Friday; however, 101 KAR 2:095, Section 1(3) states that an appointing authority may require and decide employees to work hours and work days other than normal including inclement weather schedules if it is in the best interest of the agency. Flextime is a plan which offers a variety of work schedules within a structure that assures normal work production. Flextime scheduling has proven to improve both morale and productivity and as these improvements are in the best interest of this agency, the appointing authority, per the discretion authorized by 101 KAR 2:095, Section 1(3), has authorized the use of flextime work scheduling within this agency.

B. Official Workweek

The official workweek for this department shall begin at 12:01 a.m. Saturday and end at midnight on Friday. It should be noted that while most employees are scheduled to work Monday through Friday, employees may be directed to work at varying shifts and on Saturday and/or Sundays pursuant to 101 KAR 2:095, Section 1(4) which states "Employees who work for agencies which require more than one (1) shift or seven (7) days a week operation may be reassigned from one shift to another and from one post to another or alternate days off by the agency to meet staffing requirements or to maintain security or provide essential services of the agency. The employee is required to give reasonable notice in advance of absence from a work station".

C. KRS 337.355 Lunch Period Requirements

Employers, except those subject to the Federal Railway Labor Act, shall grant their employees a reasonable period for lunch, and such time shall be as close to the middle of the employees' scheduled work shift as possible. In no case shall an employee be required to take a lunch period sooner than three (3) hours after his work shift commences, nor more than five (5) hours from the time his work shift commences. This section shall not be construed to negate any provision of a collective bargaining agreement or mutual agreement between the employee and employer.

D. KRS 337.365 Rest Period Requirements

No employer shall require any employee to work without a rest period of at least ten (10) minutes during each four (4) hours worked, except those employees who are under the Federal Railway Labor Act. This shall be in addition to the regularly scheduled lunch period. No reduction in compensation shall be made for hourly or salaried employees.

II. WORK SCHEDULES

A. Flextime Work Schedules

1. The range of schedules available in the plan allows for maximum strength at peak hours or "core time". When employees choose schedules that would conflict with necessary work operations during normal work hours (e.g., between 8:00 a.m. and 4:30 p.m.), supervisors may direct employees to select alternatives in order to guarantee normal productivity and efficiency. If alternatives are necessary, cooperative consideration among those affected is encouraged. The flextime work schedules are based upon a 7 1/2 hour workday and include a lunch period which may range from 1/2 hour to 1 1/2 hours dependent upon the option selected.

The work schedule options are as follows:

BEGIN	END
6:30 a.m.	2:30, 2:45, 3:00, 3:15, 3:30 p.m.
6:45 a.m.	2:45, 3:00, 3:15, 3:30, 3:45 p.m.
7:00 a.m.	3:00, 3:15, 3:30, 3:45, 4:00 p.m.
7:15 a.m.	3:15, 3:30, 3:45, 4:00, 4:15 p.m.
7:30 a.m.	3:30, 3:45, 4:00, 4:15, 4:30 p.m.
7:45 a.m.	3:45, 4:00, 4:15, 4:30, 4:45 p.m.
8:00 a.m.	4:00, 4:15, 4:30, 4:45, 5:00 p.m.
8:15 a.m.	4:15, 4:30, 4:45, 5:00, 5:15 p.m.
8:30 a.m.	4:30, 4:45, 5:00, 5:15, 5:30 p.m.
8:45 a.m.	4:45, 5:00, 5:15, 5:30, 5:45 p.m.
9:00 a.m.	5:00, 5:15, 5:30, 5:45, 6:00 p.m.
9:15 a.m.	5:15, 5:30, 5:45, 6:00, 6:15 p.m.
9:30 a.m.	5:30, 5:45, 6:00, 6:15, 6:30 p.m.

***Note:** The end of the workday would depend on whether you took a 30 minute, 45 minute, 60 minute, 75 minute or 90 minute lunch period.

2. The work schedule illustrated above is based upon a 37 1/2 hour five (5) day workweek. Part-time employees are scheduled to work less than 37 1/2 hours; therefore, these employees may be scheduled to begin work past 9:30 a.m. If additional work shifts become necessary, a flextime schedule for these shifts shall be developed.
3. It is permissible to utilize several work schedule options during the course of the week. For example an employee may be routinely scheduled to work from 7:00 a.m. to 3:00 p.m. on Monday and 8:00 a.m. to 4:30 p.m. for the rest of the week.
4. Supervisors are responsible for maintaining a written record of the flextime work schedule of their employees and employees are expected to abide by that schedule; however, flexibility in this area is to the mutual benefit of the employee and the agency. If an employee wishes to change his/her work schedule on a particular day in order to accommodate some special need, he/she may do so provided he/she requests and receives prior approval from his/her supervisor. By the same token the

supervisor may find it necessary to change an employee's work schedule on a particular day in order to meet needs created by special circumstances.

B. Four Day Workweek

Since we are a public service agency it is not practical for us to offer a four day workweek schedule on a regular basis; however, in order to accommodate a special circumstance and at the same time to increase productivity, it is permissible for an employee to request a four day workweek on an occasional basis and under certain conditions. Those conditions are as follows:

1. The employee must request and receive approval for the four day workweek from his/her supervisor in advance. The request must be made using the form prescribed by the agency personnel office which illustrates the requested work schedule. Since the end of workweeks do not generally correspond with the end of a pay period this form must be attached to the employee's timesheet in order to ensure accurate payroll data.
2. The four (4) day workweek can not be requested during a week when there is any other paid time off scheduled. This would include holidays, annual leave, compensatory leave and planned sick leave.
3. If an employee has received approval to work a four day workweek and finds it necessary to call in sick he will be charged with the number of hours that he was scheduled to work that day; however, the supervisor does have the discretionary authority to switch that day with the day the employee was originally scheduled to be off at the employee's request. If the workweek has not yet started the employee can request that the four (4) day workweek be rescinded.
4. The four day workweek schedule can not be for more than ten (10) hours per day nor less than seven (7) hours. This includes two (2) paid fifteen (15) minute breaks on each day the employee is scheduled to work and excludes an unpaid lunch period.

C. Lunch Periods

The following procedures have been developed in order to ensure compliance with KRS 337.355:

1. The length of the lunch period is dependent upon one's flextime work schedule but may vary from 1/2 hour to 1 1/2 hours.
2. Supervisors may direct employees to select alternative times for lunch in order to guarantee normal productivity and efficiency; however, except in the case of mutual agreement between the employee and his/her supervisor, no employee shall be required to take lunch sooner than three (3) hours after his/her work shift commences, nor more than five (5) hours from the time his/her work shift commences.
3. Employees are expected to begin and end their lunch according to schedule; however, flexibility in this area is to the mutual benefit of the employee and the agency. If an

employee wishes to change his/her lunch schedule on a particular day in order to accommodate some special need, he/she may do so provided he/she requests and receives prior approval from his/her supervisor. By the same token employees who are assisting a patron or who are engaged in a meeting or similar activity are expected to complete the activity prior to taking their lunch. Please note that this will not diminish the length of the lunch period.

4. Except for rare and infrequent emergency calls, an employee must be relieved of all duties during his or her lunch period in order for it to be considered a bona fide meal period; otherwise, under the provision of the Fair Labor Standards Act, this time is considered to be compensable working time. While circumstances may sometimes require the lunch period to be rescheduled, once the employee lunch period begins the employee is expected to cease working. Except for rare and infrequent emergency calls it is expressly against this agency's procedures for an employee to work during his/her lunch period.
5. Under no circumstance shall a supervisor authorize a change in an employee's lunch schedule as a measure to offset a period of absence without leave, i.e. tardiness.
6. All employees shall be granted a reasonable period for lunch; however, it should be noted that part-time employees who are scheduled to work six (6) hours or less during a workday and who do not wish to take a lunch period shall not be required to do so.

D. Rest Periods

The following procedures have been developed in order to ensure compliance with KRS 337.365:

1. Employees who are scheduled to work six (6) hours or less shall receive one (1) paid fifteen (15) minute break.
2. Employees who are scheduled to work over six (6) hours shall receive two (2) paid fifteen (15) minute breaks.
3. In the event of overtime an employee will receive an additional paid fifteen (15) minute break for every additional three (3) hours and forty-five (45) minutes worked.
4. Breaks should be taken according to a schedule established by the employee's supervisor; however, as with lunches, flexibility in this area is to be the mutual benefit of the employee and the agency. If an employee wishes to change his/her break schedule on a particular day, he/she may do so provided he/she requests and receives approval from his/her supervisor. By the same token the supervisor may find it necessary to reschedule an employee's break in order to meet needs created by special circumstances; however, one (1) break must always be scheduled before lunch and one (1) break must always be scheduled after the lunch period.
5. It is permissible to schedule breaks immediately prior to and immediately following the lunch period; however, supervisors are not permitted to schedule employees' breaks in this manner unless it is at the employee's request.

6. Under no circumstances shall a supervisor routinely schedule an employee's break during the first fifteen (15) minutes of the workday or during the last fifteen (15) minutes of the workday. The supervisor does have the discretion to authorize the use of the break in this manner to accommodate a special circumstance. This would include using the morning break to offset a period of tardiness. Provided this is done at an employee's request and that the use of the break in this manner is rare (once or twice a month).

III. FAIR LABOR STANDARDS ACT

A. General

The Fair Labor Standards Act (F.L.S.A.) is a federal law that defines such things as minimum wage and overtime requirements. It also defines activities which constitute compensable work hours. Please note that this agency has established overtime provisions in compliance with the F.L.S.A. and that these provisions are set forth in Section III, Subsection 3, of this handbook. Our purpose here is to define those activities which are most likely to occur within this agency and which constitute compensable work time.

B. Medical Attention

Time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he/she is working constitutes compensable work time.

C. Civic and Charitable Work

Time spent in work for public or charitable purposes at the employer's request, or under the employer's control, or while the employee is required to be on the premises, is compensable work time. About the only time this comes up within the agency is in regard to blood donations. Periodically a memorandum will be circulated which authorizes employees to be released from work for up to three (3) hours to donate blood on a given day and which provides for a compensatory leave credit. Detailed procedures covering blood donations are outlined in Section III, Subsection 11, of this handbook.

D. Work Performed Away from the Premises

Under the provisions of the Fair Labor Standards Act, work performed away from the premises or the job site, or even at home is compensable work time if the employer knows or has reason to believe that the work is being performed. It should be noted that this agency has established procedures governing compensatory leave and overtime and that these procedures stipulate that an employee must request prior authorization to work beyond his/her normal hours of work. For more detailed information about compensatory leave and overtime, please see Section III, Subsection 3, of this handbook.

E. On-Call Time

An employee who is required to remain on call on the employers premises or so close thereto that he cannot use the time effectively for his/her own purposes is working while

"on-call." An employee who is not required to remain on-call on the employer's premises but is merely required to leave word at his or her home or with company officials where he may be reached is not working while on call.

F. Home to Work Travel

An employee who travels from home before his/her regular workday and returns home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether you work at a fixed location or at different job sites. Normal travel from home to work is not compensable work time; however, if an employee who has gone home after completing his/her day's work is subsequently called out at night to travel a substantial distance to perform an emergency job (e.g., Records Disaster Team), all time spent on such travel is compensable work time.

G. Business Travel

Time spent by an employee in travel as part of his/her principal activity, such as travel from job site to job site during the workday is known as "travel that is all in the day's work" and is counted as compensable work time. All employees within this agency are assigned to a primary workstation; however, many employees are responsible for providing services to a region of the state and travel is a part of their principal activity. It is important to note that this agency does not require these employees to report to their primary workstation before departing to a job site, nor do we require that they report back to their primary workstation before returning home at the end of the workday if it is not practical to do so; however, the time the employee normally spends in home to work travel must be deducted from this type of travel. For example, assume that an employee normally leaves his/her home in Shelbyville at 7:15 a.m. in order to travel 45 minutes to his/her primary workstation in Louisville, but on this particular day he/she must report to a job site in Grant County by 9:00 a.m. It would not be practical for the employee to report to his/her primary workstation before departing to the Grant County job site; therefore, the employee would depart from home at 7:15 a.m. and drive 1 hour and 45 minutes to the Grant County job site. One (1) hour of this travel time would be considered compensable "travel that is all in the day's work" and 45 minutes would be considered ordinary home to work travel and would not be counted as compensable work time. The same would be true on the return trip home.

H. Training/Travel Time

Under certain conditions some travel time for the purpose of attending an external training event is counted as compensable work time. For more detailed information on this subject please see Section IV, Subsection 5 of this handbook.

FOUR DAY WORK SCHEDULE REQUEST

This is to request the following work schedule for the workweek beginning on Saturday _____ and ending on Friday _____.

DAY	SAT	SUN	MON	TUES	WED	THURS	FRI
TIMES							
WORK HOURS							

Indicate the times and the number of hours scheduled for each day of the workweek. Include two (2) paid fifteen (15) minute breaks in the work hours and exclude unpaid lunch periods. Schedule can not be for more than 10 hours worked per day nor less than 7 hours. Three (3) days at 10 hours and one (1) day at 7.5 hours or three (3) days at 9.25 and one (1) day at 9.75 are two (2) examples of acceptable schedules.

In making the request I understand that no other leave can be requested in conjunction with this request except for emergency and/or unexpected sick leave. I also understand that should it become necessary to call in sick on a scheduled workday that I can be charged with leave time for the total number of hours I was scheduled to work on that day.

Employee Signature

Date

Supervisor's Signature

Date